

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANDREW PETE, #02889165, §
TDCJ #02169637 §
Petitioner, §
§
v. § CIVIL CASE NO. 3:21-CV-1849-B-BK
§
§
DIRECTOR, TDCJ-CID, §
Respondent. §

AMENDED ORDER ACCEPTING FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE, AND
DENYING CERTIFICATE OF APPEALABILITY

Before the Court are Petitioner's Objections filed March 28, 2022. Doc. 16.

On February 22, 2022, the U.S. Magistrate Judge filed Findings, Conclusions and Recommendations. By order filed March 16, 2022, the Court accepted the Findings, Conclusions and Recommendations and entered Judgment dismissing the petition for writ of habeas corpus as time barred, not having seen Petitioner's objection. Doc. 14 and 15.

Petitioner states that he received the Magistrate Judge's Findings on March 9, 2022, and that he promptly called the Magistrate Judge's chambers the next day to advise the Court of the delay. Doc. 16 at 1-2. Petitioner then placed his objections in the prison mailbox on March 21, 2022, within the next 14 days. Doc. 16 at 4.

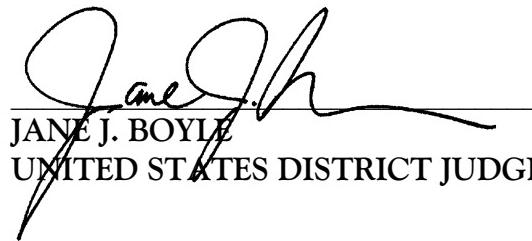
Because Petitioner's objections appear timely, the Court will reopen this case and consider the objections.

Accordingly, the March 16, 2022 Order and Judgment dismissing this case are VACATED.

After a de novo review of those portions of the proposed findings and recommendation to which objection was made, the Court OVERRULES Petitioner's Objections and ACCEPTS the Findings, Conclusions and Recommendations of the United States Magistrate Judge.

An amended judgment will be entered contemporaneously with this order.

SO ORDERED this 29th day of March, 2022.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE